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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 ELISEO NAPOLES, MARIE NAPOLES
13 AND M.N., A MINOR, BY AND
14 THROUGH HIS GUARDIAN AD LITEM,

15 Plaintiffs,

16 vs.

17 CLARK COUNTY SCHOOL DISTRICT,
18 DOES I through X, inclusive; ROE
19 CORPORATIONS I through X, inclusive

20 Defendant.

CASE NO: 2:19-cv-01474-APG-BNW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(Sixth Request)**

21 COMES NOW, Plaintiffs, ELISEO NAPOLES, MARIE NAPOLES AND M.N., A
22 MINOR, BY AND THROUGH HIS GUARDIAN AD LITEM (hereinafter, "Plaintiffs"), by and
23 through their counsel, the law firm of Hatfield & Associates, Ltd., and Defendant CLARK
24 COUNTY SCHOOL DISTRICT (hereinafter "Defendant"), by and through its counsel, Phoebe
25 V. Redmond, Esq., and Crystal J. Herrera, Esq., of the Clark County School District Office of
26 the General Counsel, do hereby stipulate and agree to extend the discovery deadlines set forth in
27 the Stipulation and Order to Extend Discovery Deadlines Fifth Request (ECF #25) from March
28 16, 2021 to May 17, 2021 pursuant to LR IA 6-1 and LR 26-4 and FRCP 29(b) for the reasons
provided below. This is the parties' sixth request for an extension of discovery deadlines.

1 **1. DISCOVERY COMPLETED TO DATE:**

2 A. Plaintiffs served Initial Disclosures on Defendant on January 24, 2020, First
3 Supplemental Disclosures on August 20, 2020, and Second Supplemental Disclosures on
4 December 16, 2020.

5 B. Defendant served Initial Disclosures on Plaintiffs on January 27, 2020, First
6 Supplemental Disclosures on July 9, 2020, Second Supplemental Disclosures on July 10, 2020,
7 Third Supplemental Disclosures on December 14, 2020, Fourth Supplemental Disclosures on
8 December 21, 2021, Fifth Supplemental Disclosures on January 29, 2021 , Sixth Supplemental
9 Disclosures on February 4, 2021, and Seventh Supplemental Disclosures on February 9, 2021.

10 C. Plaintiffs provided Defendant with Medical Record Release Authorizations, and
11 Defendant correspondingly served subpoenas for M.N.'s medical records.
12

13 D. Plaintiff M.N. served discovery in the form of Interrogatories, Requests for
14 Documents, and Requests for Admissions on May 12, 2020. Defendant provided its responses.
15 Plaintiff M.N. served a second request for production of documents on September 18, 2020.
16 Defendant provided its responses and amended responses. Plaintiff M.N. served a third request
17 for production of documents on January 5, 2021. Defendant provided its responses.
18

19 E. Defendant served discovery on all Plaintiffs in the form of Interrogatories and
20 Requests for Production of Documents, on June 5, 2020. Plaintiffs have provided responses and
21 supplemental responses.
22

23 F. Plaintiffs served initial expert reports on Defendant on October 30, 2020.

24 G. Defendant served initial expert reports on Plaintiff on December 21, 2020.

25 H. Plaintiffs took the deposition of a fact witness on December 3, 2020.

26 I. Defendant took the deposition of Plaintiffs Eliseo Napoles on January 25, 2021,
27 and Maria Napoles on January 29, 2021.
28

1 **2. DISCOVERY YET TO BE COMPLETED:**

2 A. Plaintiffs intend to depose Defendant's three designated expert witnesses.

3 B. Plaintiffs may serve additional discovery requests to Defendant.

4 C. Defendant noticed the deposition of Plaintiff M.N. for March 1, 2021. Plaintiffs
5 are seeking to confer with M.N.'s doctors on whether M.N. is physically and mentally capable of
6 being deposed.

7 D. Defendant intends on taking the depositions of other fact and expert witnesses.
8 Defendant noticed the deposition of one fact witness for February 25, 2021 and Plaintiff M.N.'s
9 treating cardiologist for March 12, 2021. Defendant will also depose Plaintiffs' three designated
10 expert witnesses.

11 E. Defendant intends on receiving M.N.'s remaining medical records.

12 F. Defendant may serve additional discovery requests to Plaintiffs.

13 **3. REASONS DISCOVERY COULD NOT BE COMPLETED WITHIN THE**
14 **EXISTING DEADLINE.**

15 Good cause exists for this extension, as the current coronavirus/COVID-19 pandemic has
16 caused, and continues to cause, disruption to the practices of counsel involved in this case. The
17 parties have been diligent in conducting discovery, including engaging in meet-and-confers,
18 providing supplemental discovery responses, noticing and taking depositions, and disclosing
19 initial and rebuttal expert witnesses. However, additional time is needed to depose other fact and
20 expert witnesses, especially when M.N.'s medical ability to be deposed is also still being
21 evaluated by Plaintiffs. The parties also need more time to obtain M.N.'s medical records. In
22 order to allow for the parties to complete the remaining discovery provided above they request
23 an additional sixty (60) days. This is the sixth request for an extension, which is made in good
24 faith and not for the purposes of delay.
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26
27
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4. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY AND OTHER DEADLINES.

The parties stipulate and agree to a proposed extension of the discovery and dispositive motions deadlines as set forth below:

A. Summary of Proposed Changes

	Current Deadline	Revised Deadline
Close of Discovery	March 16, 2021	May 17, 2021 (as the 60th day from March 16, 2021 is a Saturday, May 15, 2021)
Dispositive Motions	April 15, 2021	June 16, 2021
Pretrial Order	May 17, 2021	July 16, 2021 (If dispositive motions are filed, 30 days after the court's ruling)

Dated: February 16, 2021

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/s/ Trevor J. Hatfield

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Dated: February 16, 2021

CLARK COUNTY SCHOOL DISTRICT
 OFFICE OF THE GENERAL COUNSEL

/s/ Crystal J. Herrera

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ORDER

IT IS ORDERED that the parties' stipulation is GRANTED. However, as the parties know, this is the parties' sixth request for an extension. Thus, the parties should do everything possible to complete all discovery in this extended period. The Court is not inclined to grant additional extensions absent extraordinary circumstances establishing good cause.

IT IS SO ORDERED

DATED: 11:55 am, February 19, 2021

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE